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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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EXAMINER

FERNANDEZ RIVAS, OMAR F

ART UNIT

PAPER NUMBER

2129

DATE MAILED: 06/23/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/731,215	Applicant(s) HARVEY ET AL.	
	Examiner Omar F. Fernández Rivas	Art Unit 2129	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 19 December 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-42 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☐ Claim(s) 1-6, 8, 9, 11, 12, 16, 17, 19, 21-26, 28, 29 and 32-42 is/are rejected.
- 7) ☐ Claim(s) 7, 10, 13-15, 18, 20, 27, 30 and 31 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 19 December 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. Claims 1-42 are pending on this application.

Information Disclosure Statement

2. The information disclosure statement has not been filed for this application. To comply with 37 CFR 1.98(a)(1), the following is required: (1) a list of all patents, publications, applications, or other information submitted for consideration by the Office; (2) U.S. patents and U.S. patent application publications listed in a section separately from citations of other documents; (3) the application number of the application in which the information disclosure statement is being submitted on each page of the list; (4) a column that provides a blank space next to each document to be considered, for the examiner's initials; and (5) a heading that clearly indicates that the list is an information disclosure statement.

Claim Objections

3. Claims 10, 29, 38 and 40 are objected to because of the following informalities:

Claim 10

The claim reads: "...enable the processor-based device establish..." on line 2. It should read: "...enable the processor-based device **to** establish..."

Appropriate correction is required.

Claims 29 and 40

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The claims are dependent upon themselves. Appropriate correction is required.

Claim 38

The claim recites: "...performing at least one the..." on line 7. It should recite: "...performing at least one **of** the..." Appropriate correction is required.

4. Claims 7, 10, 13-15, 18, 20, 27, 30 and 31 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Claim Rejections - 35 USC § 112

5. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claim 36 is rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. The term operator factor is not defined in a way as to enable one skilled in the art to know what parameter this operator factor refers to.

Claim Rejections - 35 USC § 101

6. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claim 16 is rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. The claim recites a "program stored in a tangible medium". A claim that recites a program should have the program embodied on a computer readable media capable of performing a functional change in the computer. A tangible medium does not necessarily mean a computer readable media or component and therefore renders the claim non-statutory under 35 U.S.C. 101.

Claim 42 is rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. The claim recites a computer program per se that is not linked to a computer readable medium that would enable a functional change in a computer.

Claim Rejections - 35 USC § 102

7. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-5, 8, 9, 11, 12, 16, 17, 19, 21-26, 28, 29, 32-37 and 42 are rejected under 35 U.S.C. 102(e) as being anticipated by Barton et al. (US Patent #6,636,776, referred to as **Barton**).

Claim 1

Barton anticipates a method of evaluating a welding process (**Barton**: abstract, L1-13; C5, L29-35; Figs. 5a, 6 and 8)EN: calculating the cost of each procedure is evaluating), comprising: providing a system to enable a user to select a plurality of welding processes for comparison (**Barton**: C4, L54-67, C5, L1-35; EN: the selection of weld parameters input (selected) by the user will generate welding procedures. Calculating a relative cost is a comparison between the welding procedures); requesting data from a user to enable the system to produce a comparison between using each of the plurality of welding processes to weld a weld joint (**Barton**: C4, L54-67, C5, L1-35; C8, L31-53; Figs 5A, 6 and 8; EN: welding parameters are requested to start the process); and processing the requested data to produce the comparison between using each of the plurality of welding processes to weld the weld joint (**Barton**: C5, L9-67; C6, L41-63; Figs 5A and 6; EN: calculating a cost for each procedure is a comparison).

Claim 2

Barton anticipates requesting data from a user comprises requesting the user to select a weld joint type corresponding to the weld joint and requesting the user to provide requested dimensional data for the weld joint based on the weld joint type (**Barton**: C4, L54-67, C5, L1-8; C5, L36-43; EN: weld joint details define the joint type,

material thickness is dimensional data).

Claim 3

Barton anticipates processing the requested data to produce a comparison comprises producing a cost comparison between welding the weld joint using a first welding process and welding the weld joint using a second welding process (**Barton**: C5, L29-35; C8, L3-11; C10, L46-51; EN: calculating costs for the suitable welding procedures and presenting the results to the user is a comparison between using a first welding process and using a second welding process).

Claim 4

Barton anticipates the system comprises welding data stored in a database, further wherein the system compares a user's response to at least one of a series of data requests to the welding data stored in the database to provide the user with a recommended response to at least one of the series of data requests (**Barton**: C3, L14-41; C5, L9-28; Figs. 1-4; the welding procedures (welding data) are stored in a server (database)).

Claim 5

Barton anticipates processing the requested data comprises producing a comparison between a first amount of filler material deposited using the first welding process to weld the weld joint and a second amount of filler metal deposited using a second welding processes to weld the weld joint (**Barton**: C7, L54-61, C8, L3-11; EN: the wire is the filler material).

Claim 8

Barton anticipates processing the requested data comprises producing a first heat input to the weld joint using the first welding process and a second heat input to the weld joint using a second welding process (**Barton:** C1, L53-64; C2, L61-67, C3, L1-4; C12, claim 3; EN: the voltage setting will provide the heat input to the process).

Claim 9

Barton anticipates a method of using a processor-based system to establish a cost associated with welding a weld joint (**Barton:** C5, L29-35), comprising: enabling the processor-based system to provide a user with a request for a weld joint type corresponding to the weld joint (**Barton:** C4, L54-67, C5, L1-8; C5, L36-43; C12, claim 3; EN: weld joint details define the type of weld joint); enabling the processor-based system to provide the user with a request for dimensional data for the weld joint based on the weld joint type provided by the user (**Barton:** C4, L54-67, C5, L1-8; C5, L36-43; EN: physical properties and material thickness are dimensional data); and enabling the processor-based system to establish the cost of welding electrode material used to weld the weld joint based on the dimensional data provided by the user (**Barton:** C1, L22-25; C5, L36-60; C7, L40-57; C8, L3-11; C8, L31-53; EN: the dimensional data is one of the parameters input by the user. Calculating the cost based on consumables).

Claim 11

Barton anticipates the requested dimensional data for the weld joint is weld joint length (**Barton:** C4, L54-66; EN: weld joint length is a physical property attribute).

Claim 12

Barton anticipates providing the processor-based device with requested dimensional data comprises entering data into a plurality of data cells, each data cell being labeled with a reference to a specific dimension of the weld joint (**Barton:** C4, L54-66; EN: the graphical template component is used to enter the parameters).

Claim 16

Barton anticipates programming instructions operable to direct a processor-based device to provide a request for weld joint dimensional data to a user (**Barton:** C4, L54-67, C5, L1-8; C5, L36-43; EN: physical properties and material thickness are dimensional data); programming instructions operable to direct the processor-based device to provide a request for welding process data to a user (**Barton:** C4, L54-67, C5, L1-8; C5, L36-43; EN: weld parameters is welding process data); and programming instructions operable to direct the processor-based device to establish a cost of welding the weld joint based on the weld joint dimensional data and the welding process data provided by the user (**Barton:** C5, L9-35; EN: the cost is calculated based on the input parameters).

Claim 17

Barton anticipates programming instructions operable to enable the processor-based device to display the cost of welding the weld joint on the processor-based device (**Barton:** C5, L29-35; C15, claim 43; Figs. 6 and 8).

Claim 19

Barton anticipates the request for dimensional data comprises a spreadsheet comprising a plurality of cells, each cell being labeled with a reference to a specific dimension of the weld joint (**Barton:** C4, L54-66; EN: the graphical template component is used to enter the parameters).

Claim 21

Barton anticipates a method of analyzing a welding process, comprising: enabling a processor-based device to request data from a user to enable the processor-based device to establish energy inputted into a work piece during a welding operation (**Barton:** C1, L51-64; C2, L61-67, C3, L1-4; C4, L54-66; C12, claim 3; EN: specifying settings for controlling the power (voltage and current) is establishing an energy inputted to a work piece); and operating the processor-based device to execute a program adapted to establish the energy input into the weld joint based on the requested data received from the user (**Barton:** C1, L51-64; C2, L61-67, C3, L1-4; C4, L54-66; C12, claim 3; EN: controlling the power and waveforms supplied to the electrode based on the user settings).

Claim 22

Barton anticipates the requested data comprises welding voltage (**Barton:** C1, L51-64; C2, L61-67, C3, L1-4; C4, L54-66; C12, claim 3; EN: the settings input by the user).

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Claim 23

Barton anticipates the requested data comprises welding current (**Barton:** C1, L51-64; C2, L61-67, C3, L1-4; C4, L54-66; C12, claim 3).

Claim 24

Barton anticipates wherein the requested data comprises the number of weld passes (**Barton:** C1, L51-64; C2, L61-67, C3, L1-4; C4, L54-66; C12, claim 3; EN: settings for the travel and movement during the welding process).

Claim 25

Barton anticipates the requested data comprises welding travel speed (**Barton:** C1, L51-64; C2, L61-67, C3, L1-4; C4, L54-66; C12, claim 3; EN: setting for the tip travel speed).

Claim 26

Barton anticipates enabling a user to input a weld joint type corresponding to the weld joint to the processor-based device (**Barton:** C4, L54-67, C5, L1-8; C5, L36-43; C12, claim 3; EN: weld joint details define the type of weld joint); providing a user with a request for dimensional data for the weld joint based on the weld joint type (**Barton:** C4, L54-67, C5, L1-8; C5, L36-43; EN: physical properties and material thickness are dimensional data); and processing the requested dimensional data to establish the cost of welding electrode material used to weld the weld joint (**Barton:** C1, L22-25; C5, L36-60; C7, L40-57; C8, L3-11; C8, L31-53; EN: calculating the cost based on consumables).

Claim 28

The method as recited in claim 26, wherein enabling a user to provide the dimensional data comprises providing a data entry portion corresponding to the dimension on the visual display and providing a corresponding identifier to the identifier on the image (**Barton**: C4, L54-66; EN: the graphical template component provides the data entry portion).

Claim 29

Barton anticipates the data entry portion comprises a plurality of cells, each cell having an identifier disposed proximate thereto and corresponding to a specific dimension of the weld joint (**Barton**: C4, L54-66; EN: the graphical template component is used to enter the parameters).

Claim 32

A method of using a processor-based device to establish an amount of welding material deposited during a welding operation, comprising: providing a user with a request for electrode data (**Barton**: C1, L54-56; C2, L61-67, C3, L1-4; C4, L54-66; C5, L36-43; EN: entering parameters for the electrode (wire or consumables); providing the user with a request for shield gas data (**Barton**: C4, L54-66; C5, L36-43; C12, claim 3); providing the user with a request for weld joint dimensional data (**Barton**: C4, L54-67, C5, L1-8; C5, L36-43; EN: physical properties and material thickness are dimensional data); and providing a program to enable the processor-based device to establish the amount of welding material deposited during the welding operation based on the electrode data, shield gas data, and weld joint dimensional data provided by the user

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(**Barton:** C7, L54-61; C8, L3-11; filtering and calculating the cost based on consumables establishes an amount of welding material (consumables) deposited during the welding operation).

Claim 33

Barton anticipates the request for electrode data comprises a request for the type of electrode used (**Barton:** C1, L54-56; C4, L54-66; C5, L36-43; C12, claim 3; EN: entering parameters for the wire (electrode) type)

Claim 34

Barton anticipates the request for electrode data comprises a request for the diameter of electrode used (**Barton:** C1, L54-56; C4, L54-66; EN: wire diameter).

Claim 35

Barton anticipates the request for electrode data comprises a request for the wire feed speed (**Barton:** C1, L56-64; C4, L54-66; C12, claim 3).

Claim 36

Barton anticipates the request for electrode data comprises a request for the operator factor (**Barton:** C1, L54-56; C4, L54-66; EN: any parameter input by the user for the electrode is considered an operator factor since no explanation is given in the specification as to what this operator factor refers to).

Claim 37

The method as recited in claim 32, wherein the request for shield gas data comprises a request for the shield gas used (**Barton:** C4, L54-66; C6, L41-48; C12,

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claim 12).

Claim 42

Barton anticipates a computer program, comprising: programming instructions stored in a tangible medium (**Barton**: C15, claim 43), wherein the programming instructions enable a user to operate a processor-based device to develop a map of activities associated with a manufacturing process (**Barton**: C4, L54-66; C5, L9-28; a graphical template is a map of activities associated with a welding (manufacturing) process. Obtaining suitable welding procedures (activities) is also a mapping of activities associated with the manufacturing process) and to enable the user to input potential decreases in the duration of performing at least one activity associated with the manufacturing process (**Barton**: C1, L53-64; C12, claim 3; EN: inputting parameters such as wire feed speed, travel speed, voltage source and current are inputs that could decrease the duration of performing an activity of the manufacturing process as stated on page 23, lines 4-12 of the present application).

Claim Rejections - 35 USC § 103

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 6, and 38-41 are rejected under 35 U.S.C. 103(a) as being unpatentable over Barton as set forth above in view of .

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Claim 6

Barton does not teach processing the requested data comprises producing a comparison between a first cycle time for welding the weld joint using a first welding process and a second cycle time for welding the weld joint using a second welding process.

Vaidya teaches processing the requested data comprises producing a comparison between a first cycle time for welding the weld joint using a first welding process and a second cycle time for welding the weld joint using a second welding process (**Vaidya**: C6, L5-32; EN: cycle time is the same as duty cycle).

It would have been obvious to one of ordinary skill in the arts at the time of the applicant's invention to modify the teachings of Barton by producing a comparison between the cycle times of two welding processes as taught by Vaidya for the purpose of having means to measure the benefits of using one welding process or the other so as to make a determination on which process to perform.

Claim 38

Barton teaches a method of quantifying potential improvements to a manufacturing process (**Barton**: C2, L61-67, C3, L1-29; C5, L29-35; Figs. 6-9; EN: a welding procedure is a manufacturing process. Calculating costs associated with the welding procedures is quantifying a potential improvement), comprising: operating a processor-based device to display a plurality of activities associated with a manufacturing process (**Barton**: C1, L33-64; C3, L14-29; C4, L54-67, C5, L1-28; C12, claim 3; Figs. 6-8; EN: the graphical template displays the plurality of activities

associated with the welding process (type of welding process, welding joint details, wire feed speed, etc.)).

Barton does not teach providing a duration for performing each of the plurality of activities associated with the manufacturing process; providing a potential decrease in the duration for performing at least one the plurality of activities associated with the manufacturing process; and operating the processor-based system to establish a total potential decrease in duration for performing the manufacturing process based on the potential decreases in the duration for performing at least one of the plurality of activities of the manufacturing process.

Vaidya teaches providing a duration for performing each of the plurality of activities associated with the manufacturing process (**Vaidya**: abstract, L1-10; C1, L45-57; C3, L4-19; C3, L45-51; EN: calculating the total arc welding time (duty cycle) is providing a duration of performing the plurality of activities associated with the manufacturing process); providing a potential decrease in the duration for performing at least one the plurality of activities associated with the manufacturing process (**Vaidya**: C4, L49-67, C5, L1-7; C6, L4-32; EN: by managing the workflow to improve the duty cycle to reach a benchmark duty cycle will provide a potential decrease in the duration of performing at least one of the activities of the manufacturing processes); and operating the processor-based system to establish a total potential decrease in duration for performing the manufacturing process based on the potential decreases in the duration for performing at least one of the plurality of activities of the manufacturing process (**Vaidya**: C4, L49-67, C5, L1-7; C6, L4-32; EN: calculating the duty cycle and

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comparing it with a benchmark duty cycle to develop an improvement of the process is establishing a total potential decrease in the process).

It would have been obvious to one of ordinary skill in the arts at the time of the applicant's invention to modify the teachings of Barton by incorporating providing a duration for performing each of the activities associated with the manufacturing process; providing a potential decrease in the duration for performing at least one activity associated with the manufacturing process; and establishing a total potential decrease in duration for performing the manufacturing process based on the potential decreases in the duration for performing at least one of the activities of the manufacturing process as taught by Vaidya for the purpose of allowing the system to detect areas within the process where time could be saved, therefore improving the profits obtained from the process.

Claim 39

Barton teaches the display of a plurality of activities comprises a welding operation performed using a different welding process than a current welding process associated with the manufacturing process (**Barton**: C3, L17-41; C4, L54-67, C5, L1-67; EN: presenting the user with suitable welding procedures).

Claim 40

Barton does not teach inputting potential decreases in the duration for performing each of the activities of the current manufacturing process comprises operating the system to establish a decrease in duration for performing the welding operation using the different welding process compared to the current welding process (**Vaidya**: C4,

L49-67, C5, L1-7; C6, L4-32; EN: calculating the improvement of the duty cycle of the process by managing the workflow or integrating robotic operations).

Vaidya teaches inputting potential decreases in the duration for performing each of the activities of the current manufacturing process comprises operating the system to establish a decrease in duration for performing the welding operation using the different welding process compared to the current welding process (**Vaidya**: C4, L49-67, C5, L1-7; C6, L4-32; EN: calculating the improvement of the duty cycle of the process by managing the workflow or integrating robotic operations).

It would have been obvious to one of ordinary skill in the arts at the time of the applicant's invention to modify the teachings of Barton by establishing a decrease in the duration of performing the welding operation using a different welding process as taught by Vaidya for the purpose of having a measure of how much time can be saved by using a different welding process to decide if a change in the welding process is beneficial.

Claim 41

Barton does not teach the plurality of activities comprises at least one pre-welding operation and at least one post-welding operation activity.

Vaidya teaches the plurality of activities comprises at least one pre-welding operation and at least one post-welding operation activity (**Vaidya**: C1, L45-57).

It would have been obvious to one of ordinary skill in the arts at the time of the applicant's invention to modify the teachings of Barton by incorporating the plurality of activities comprise at least one pre-welding operation and at least one post-welding

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operation activity as taught by Vaidya for the purpose of defining the steps to be performed to prepare the system to perform the manufacturing process and what actions to take once the process has ended.

Conclusion

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Rongo US Patent #6,292,715

Schneebeli et al US Patent #5,233,150

10. Claims 1-6, 8, 9, 11, 12, 16, 17, 18, 21-26, 28, 29 and 32-42 are rejected.

Correspondence Information

11. Any inquires concerning this communication or earlier communications from the examiner should be directed to Omar F. Fernández Rivas, who may be reached Monday through Friday, between 8:00 a.m. and 5:00 p.m. EST. or via telephone at (571) 272-2589 or email omar.fernandezrivas@uspto.gov.

If you need to send an Official facsimile transmission, please send it to (571) 273-8300.

If attempts to reach the examiner are unsuccessful the Examiner's Supervisor, David Vincent, may be reached at (571) 272-3080.

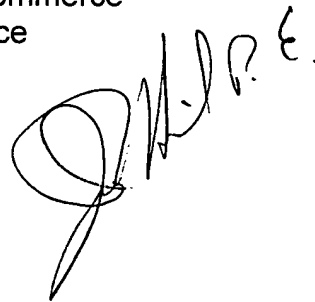
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Hand-delivered responses should be delivered to the Receptionist @ (Customer Service Window Randolph Building 401 Dulany Street Alexandria, VA 22313), located on the first floor of the south side of the Randolph Building.

Omar F. Fernández Rivas
Patent Examiner
Artificial Intelligence Art Unit 2129
United States Department of Commerce
Patent & Trademark Office

Tuesday, June 20, 2006

OFR

A handwritten signature in black ink, appearing to read 'OFR', with a stylized flourish extending from the bottom right.